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DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

February 18, 2009
Honolulu, Oahu

Oasis Water Systems, Inc. for Mrs. Patricia Hanwright
APPLICATION FOR AN AFTER-THE-FACT PUMP INSTALLATION PERMIT
Hanwright #2 Well (Well No. 1220-05)
Pump Installation: 14 gpm for domestic and landscape irrigation use
TMK (4) 4-9-011:023, Moloaa, Kawaihau, Kauai

APPLICANT:

Barry Simmons
Oasis Water Systems, Inc.
P.O. Box 507
Hanalei, HI 96714

LANDOWNER/WELL OPERATOR:

Mrs. Patricia Hanwright
P.O. Box 700
Anahola, HI 96703

DESCRIPTION:

Location: See Exhibits 1 and 2.

BACKGROUND:

May 30, 1989

The Commission received two "Registration of Well and Declaration of Water Use" reports from Joseph Hanwright for two wells, Well Nos. 1220-04 and -05 (Hanwright #1 and #2, respectively). This information was submitted timely and in compliance with the State Water Code (HRS § 174C-26 – Filing of Declaration) and Hawaii Administrative Rule (HAR) § 13-168-5 [Declaration of Water Use]. Both wells were constructed in 1987. Only one well, Well No. 1220-04, was in use when the registrations and declarations of use were submitted in 1989; Well No. 1220-05 was declared not to be in use at that time.

April 18, 1990

Staff sent a notice to all persons who submitted a "Registration of Well and Declaration of Water Use" form and who declared an existing water use on that form. The notice reiterated the information on

existing sources filed with the Commission and explained that all declarations were grouped into four categories, as follows:

- Category 1 – Declarations deemed to be reasonably complete and that declared an actual use;
- Category 2 – Declarations of in-stream uses;
- Category 3 – Declarations documenting unused existing sources, proposed future uses or claims for water rights; and
- Category 4 - Declarations deemed to be incomplete.

The notice sent to Mr. Hanwright (April 18, 1990) explained

“Our records currently show that your declarations have been placed in Categories 1 and 3. Category 3 refers to unused existing sources, proposed future uses, or claims for water rights.”

Well No. 1220-04 was placed into Category 1 and Well No. 1220-05 into Category 3. This letter also provided notice to Mr. Hanwright of the opportunity to amend his Category 3 declaration, as follows:

“The deadline for you to amend your Category 3 declaration(s) is October 15, 1990. You are required to do this only if you have an actual existing use (as of May 1988) which we placed in Category 3 because it was not properly declared.” (original emphasis)

November 14, 2007

Mrs. Patricia Hanwright, wife of the late Joseph Hanwright, submitted a Well Information Release Request seeking the well numbers for Hanwright’s wells. The following comment was written on the request form, “I’d like to submit accumulated Ground Water Use Reports.” (Exhibit 3)

December 7, 2007

Staff sent a letter to Mrs. Hanwright acknowledging her information request. The letter explained that the only information filed for these wells were the well registration forms submitted in May 1989. Staff also asked Mrs. Hanwright to check the well location map provided with the registration forms to verify that (1) the location and name of each well was noted correctly, and (2) the well locations are accurate with respect to the property boundaries and TMK.

The letter also provided the state well numbers assigned for Hanwright Wells #1 and #2: Well Nos. 1220-04 and -05. (State well numbers were not assigned for these wells when they were registered, but were assigned following receipt of Mrs. Hanwright’s aforementioned November 14, 2007, well information request.)

June 17, 2008

Staff received a memorandum from Patricia Hanwright confirming the TMK for the subject property (Exhibit 4). Attached with this correspondence was a second Well Information Release Request form,

requesting copies of the Registration of Well and Declaration of Water Use report submitted in May 1989. This correspondence also stated:

“We’re in the process of completing Ground Water Use Reports to update our records and will be sending them in shortly.”

June 27, 2008

Staff sent copies of the well registration/declaration documents to Mrs. Hanwright, as requested. With that transmittal, staff noted that the Registration of Well and Declaration of Use submitted for Well No. 1220-05 declared that the well was unused in May 1989. For the purpose of updating the Commission’s records, staff asked Mrs. Hanwright whether a pump was installed in the well, and, if so, when it was installed and, if so, the depth of intake and other specifications.

July 2, 2008

Marsha Mayer, a family member acting on behalf of Mrs. Hanwright, submitted a Well Completion Report Part II (pump installation) for Well No. 1220-05 (Exhibit 5).

The information provided for the pump installation company portion of the Well Completion Report Part II form is noted as “Self” (Item 3 on the form; see Exhibit 5), and the date of installation is noted as “1994” (Item 4 on the form). Staff has concluded that Joseph Hanwright installed the pump, and no information to the contrary has been provided. The rest of the pump information provided on the well completion report is acceptable, except that the report was not signed by a licensed pump installation contractor.

July 2, 2008

Ms. Mayer submitted Ground Water Use Reports for Well Nos. 1220-04 and -05 on the Commission’s report form, for the years 2000 through 2007. These reports show that Well No. 1220-05 has been in use since at least 2000.

August 27, 2008

Staff sent a letter to Patricia Hanwright acknowledging receipt of the Ground Water Use Reports and to advise her that the Commission’s record for Well No. 1220-05 contains no permit application(s) or approved permit(s) for the pump installation work that was done in 1994. This letter provided notice to Mrs. Hanwright that the information in the record dating from 1989 through July 2008, indicates that the pump was installed without a Commission permit and it was not installed by a properly licensed pump installation contractor, which are two requirements of the State Water Code, HRS Chapter 174C).

The letter reiterates the portion of the State Water Code that requires Commission permits, as follows:

““You should be aware that the State Water Code, adopted in 1987, provides that “no well construction and no installation of pumps and pumping equipment shall commence without an appropriate permit from the Commission.” (HRS § 174C-84)”

The letter further states that:

“...you should have applied for an obtained a pump installation permit for Well No. 1220-05 before completing the pump installation. To remedy this situation, you are required to obtain an after-the-fact pump installation permit for this well.”

A copy of the Commission’s Well Construction/Pump Installation Permit Application was provided with staff’s August 27 letter and requested that Mrs. Hanwright “...complete the application and return it to the Commission’s office by **September 30, 2008**. ...” (original emphasis)

September 30, 2008	Staff received a letter from Mrs. Hanwright, dated September 29, 2008, stating that she contacted Barry Simmons of Oasis Water Systems to inspect and evaluate Well No. 1220-05, and that, “He will complete whatever applications and work necessary to comply with state water regulations.” (Exhibit 6)
September 30, 2008	Staff received an after-the-fact Pump Installation Permit Application (“ATF application”) for Well No. 1220-05 from Oasis Water Systems, Inc., filed on behalf of Patricia Hanwright. (Exhibit 7)
October 4, 2008	Staff received an e-mail message from Marsha Mayer acknowledging the state’s requirement for wells to have a device for measuring the static water levels monthly. Because of the expense to install such a device, Ms. Mayer asked for the Commission’s approval “to comply with this regulation the next time we have to pull a pump for repair or replacement.” (This request was made for a total of four wells that Joseph Hanwright registered in 1989, including Well No. 1220-05.)
December 2, 2008	Staff accepted the application as complete on December 2, 2008, following receipt of the \$25.00 filing fee and requisite copies of the application from Oasis Water Systems, as required to complete the application.
December 19, 2008	Staff sent a letter to Oasis Water Systems, Inc., acknowledging receipt of the complete ATF application, and explained the process for after-the-fact permit approvals.

ISSUES/ANALYSIS:

After-the-fact Pump Installation Permit Application

Since 1987, Commission permits have been required for any well construction and pump installation work regulated by the Commission. Section 174C-84 of the State Water Code provides that, “...no well construction and no installation of pumps and pumping equipment shall commence without an appropriate permit from the Commission.” The rule adopted by the Commission on May 27, 1988, regarding pump installation and this permit requirement [HAR §13-168-12(a)] states,

No well shall be constructed, altered, or repaired and no pump or pumping equipment shall be installed, replaced, or repaired without an appropriate permit from the commission.

The record shows that Joseph Hanwright installed the pump without a Commission permit in Well No. 1220-05 in 1994 (Exhibit 5). Because this work was done after promulgation of the State Water Code and the Department of Land and Natural Resources' (DLNR's) administrative rules to aid implementation of the law, staff finds that Hanwright's pump installation in Well No. 1220-05 violated HAR § 13-168-12(a).

Penalty Calculation

The policy used to prepare the penalty calculation was adopted in 2001 (Policy No. G01-01) (Exhibit 8). The penalty calculation, summarized below, is detailed in Exhibit 9.

Minimum fine: \$250

Potential gravity factors: \$0

Potential mitigating factors: Reduce the minimum fine by \$125, for the reasons explained below. Staff has found Patricia Hanwright and Marsha Mayer to be very cooperative and responsive to requests for the information required to update the Commission's well information data base. The record since November 2007, shows a good faith effort to comply with the requirements of the State Water Code and applicable rules and standards. They have worked with staff through a methodical process to identify and fill information gaps. Key information and reports they have provided include well completion reports for Well Nos. 1220-04 and -05, and annual water use reports for both well for the years 2000 through 2007.

Duration calculation

Finally, within 30 days of notification by staff of the requirement to obtain an after-the-fact permit (letter dated August 27, 2008), Mrs. Hanwright retained Barry Simmons of Oasis Water Systems, Inc., a licensed pump installation contractor, to complete and submit the subject ATF application for the pump installation work that was completed by the late Joseph Hanwright in 1994. Therefore, the duration of the fine would be one day. It is apparent from staff's regular contact with Mrs. Hanwright and with Ms. Mayer that they are striving to comply with the requirements for well owners and water users in Hawaii.

Review of ATF Application

Agency review of ATF application: Copies of the ATF application were sent to the DLNR's Land Division and Historic Preservation Division; and to the Department of Health's Safe Drinking Water, Wastewater, and Clean Water branches, and its Office of Hazard Evaluation and Emergency Response. The agency review period ended on January 9, 2008. Notice of the application was also published in the January 2009 bulletin. Staff has received no comments or concerns regarding the pump installation or use of this well.

Staff review of ATF application: The pump was installed by Joseph Hanwright in 1994. The work is complete, except there is no access port or chase tube to allow for water level measurements in the well and no means to collect samples for temperature and chloride measurements.

In addition to Well No. 1220-04, which is adjacent to this well, there are 47 completed wells within a mile of the proposed well. Of these, 37 are currently in use, and staff has received one application to construct one other well about a mile from Hanwright's wells. Additionally, of the 47 existing wells, only 8 are within approximately 1,000 feet of Well Nos. 1220-05. The remaining wells are 2,000 feet or more away. Given that the capacity of the installed pump is relatively low and based on an assessment of other wells in the area and local ground water conditions, staff concludes that regular use of this well will not have an adverse impact on water resources, other wells or other water users in the area.

RECOMMENDATION:

That the Commission:

- A. Find the applicant in violation of HAR § 13-168-12(a).
- B. Impose the minimum fine of \$125 on the well owner/operator as summarized in Exhibit 9, payable within 30 days.
- C. Authorize the Chairperson to approve and issue a pump installation permit, subject to the Standard Pump Installation Permit Conditions in Exhibit 10, and the following additional special conditions.
 - 1. The permit shall not be issued until the fine is paid by the well owner/operator.
 - 2. Standard Condition 5 is deferred until such time as the permittee removes the existing pump and pumping equipment for repair or replacement.

Respectfully submitted,



KEN C. KAWAHARA, P.E.
Deputy Director

Exhibit(s):

- 1. (Location Map)
- 2. (Map of Wells in Vicinity of Hanwright's Property)
- 3. (Well Information Release Request, received November 14, 2007)
- 4. (Confirmation of property TMK information, received June 17, 2008)
- 5. (Well Completion Report Part II, received July 2, 2008)
- 6. (Letter from Mrs. Hanwright, received September 30, 2008)
- 7. (After-the-fact Permit Application, received September 30, 2008)
- 8. (Penalty Policy, Flowchart, Spreadsheet Penalty Calculation)
- 9. (Standard Pump Installation Permit Conditions)

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson

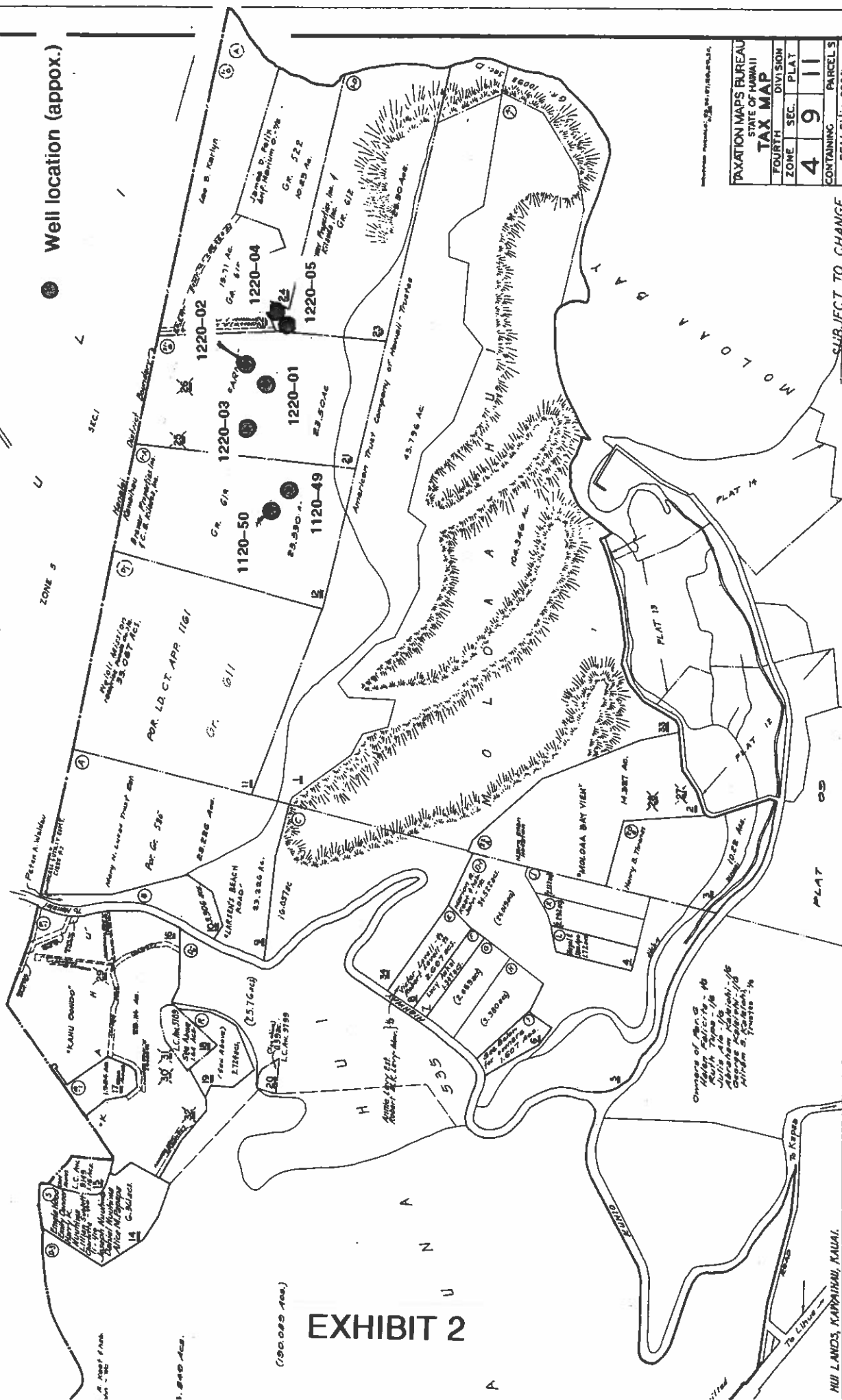
19 Robert D. Long & wife
Pauline M. 778
James L. Greenleaf &
Martha S. Greenleaf 1177
George A. Nelson 42

17 Michael K. Lutton
President R. Schenker with

c. Mary E. - 17/18

15. Olaf B. Thompson - 1890
William L. P. Mundy & wife
Elizabeth B. - 770 - 1900
J. Hume Safford - 1900

Well location (approx.)



HUI LANDS. KANJINAY. KALLAI.

SUBJECT TO CHANGE

PRINTED

TAXATION MAPS BUREAU STATE OF HAWAII TAX MAP			
FOURTH	DIVISION		
ZONE	SEC.	PLAT	
4	9	11	
CONTAINING			PARCELS
SCALE: 1" = 300'			



State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

WELL INFORMATION RELEASE REQUEST

Instructions: Please print in ink or type and send completed form with attachments to the Commission on Water Resource Management, via mail to P.O. Box 621, Honolulu, Hawaii 96809, via facsimile to (808) 587-0219, or via e-mail to dlr.cwrn@hawaii.gov. For further information and updates to this application form, visit <http://www.hawaii.gov/dlnr/cwrn>.

For Official Use Only:

Well Info Request No.:

Please fill out this form to request a release of well information in the form of maps, database information, and/or file documents. Upon submission, Commission staff shall review the request, prior to delivery of the requested information. Copying charges may apply and must be paid prior to copies being made.

Name: <u>Patricia Hanwright</u>	
Mailing Address, Phone Number, and E-mail: <u>PO Box 700</u> <u>Anahola HI 96703</u> <u>Phone (Marsha @ 651-1977)</u>	
Company Name: (If obtaining information for a business.)	
Company Phone Number, Fax, and Email:	
Location of Interest: (Please attach map if possible.) <u>Anahola/Kilauea, HI</u>	
Island: <u>Kauai</u>	Tax Map Key(s): <u>4-4-9-011-024-0000-000</u>
Specific Information Desired: <u>What is our Well #s? I'd like to submit</u> <u>accumulated Ground Water Use Reports.</u> <u>Please Fax to Marsha @ 808 828-1888, or</u> <u>better yet, <u>email</u> to "<u>designeress@mac.com</u>".</u> <u>Thank you.</u> <u>Faxed to 808 587-0219</u>	

For Official Use Only:

Information provided:

Staff providing information:

Date provided:

Total Copy Charges: (See attached, "Record of Copied Materials" form.) 8

WIRR Form (06/13/2006)

EXHIBIT 3

MEMO

RECEIVED

08 JUN 17 A 9:45

DATE: June 14, 2008

TO: Ken C. Kawahara, P.E., Deputy Director
State of Hawaii - DLNR
COMMISSION ON WATER RESOURCE INFORMATION
P.O. Box 621
Honolulu, HI 96809

COMMISSION ON WATER
RESOURCE MANAGEMENT

RE: Patricia Hanwright (808-828-0103)
TMK: (4) 4-9-011:023
Well Update: #1220-04 & #1220-5

Dear Mr. Kawahara:

This letter is in response to your attached letter, wherein you assigned the above two well numbers, and requested two other pieces of information, items 1 and 2 below.

1. TMK #:

You are right. The correct TMK parcel # is as above, 23. Not 24.

2. AINA ANAHOLA WELL:

This second well you refer to, #0919-06 (TMK# (4) 4-9-005:001), is on a parcel that has been SOLD.

Also, attached is a 'Well Information Release Request' for documents pertaining to our Wells #1220-04 & 05, which I request be emailed to me at: marsha@equiloaha.com.

We're in the process of completing Ground Water Use Reports to update our records and will be sending them in shortly.

Thank you for your help.

Attachment - 1 pg

EXHIBIT 4

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
MEREDITH J. CHING
JAMES A. FRAZIER
NEAL S. FUJIIWARA
CHIYOME L. FUKINO, M.D.
DONNA FAY K. KIYOSAKI, P.E.
LAWRENCE H. MIKE, M.D., J.D.
KEN C. KAWAHARA, P.E.
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

December 7, 2007

HanwrightWell.ltr

Ms. Patricia Hanwright
P.O. Box 700
Anahola, HI 96703

Dear Ms. Hanwright:

Request for Well Information

TMK: (4) 4-9-001:0~~24~~ 23

Thank you for your faxed request for information on your Moloaa property wells. Our only information on these wells comes from the registration forms submitted by Joseph Hanwright in May 1989. No well numbers were assigned at that time. We are now assigning the numbers 1220-04 & 05, but also need to point out that two wells we believe you are referring to are shown on Joseph's map as being in the corner of parcel 23 rather than parcel 24 (see enclosed map). Please verify if the enclosed map is correct, so we can enter these two wells in our database correctly.

We also have a record of another well registered to Joseph Hanwright, the Aina Anahola Well (Well No. 0919-06), on TMK: (4) 4-9-005:001. We are noting this on your water report form, as well.

Enclosed is our water use report form for your wells.

If you have any questions, please contact Charley Ice of our staff at (808) 587-0251, or toll free from Kauai at 274-3141, extension 70251.

Sincerely,

W. Roy Hardy
for

KEN C. KAWAHARA, P.E.
Deputy Director

Cl:ss
Enclosures



State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

WELL INFORMATION RELEASE REQUEST

Instructions: Please print in ink or type and send completed form with attachments to the Commission on Water Resource Management, via mail to P.O. Box 621, Honolulu, Hawaii 96809, via facsimile to (808) 587-0219, or via e-mail to dlmr.cwrmm@hawaii.gov. For further information and updates to this application form, visit <http://www.hawaii.gov/dlnr/cwrmm>.

For Official Use Only:

Well Info Request No.:

Please fill out this form to request a release of well information in the form of maps, database information, and/or file documents. Upon submission, Commission staff shall review the request, prior to delivery of the requested information. Copying charges may apply and must be paid prior to copies being made.

Name:

Patricia Hanwright

Mailing Address, Phone Number, and E-mail:

For your reference, my mailing address is P.O. Box 700 • Anahola, HI 96703, and telephone is 828-0103.

However, please email the requested documents to: marsha@equilooha.com. Thank you.

Company Name: (If obtaining information for a business.)

Company Phone Number, Fax, and Email:

Location of Interest: (Please attach map if possible.)

Anahola/Kilauea, HI

Island: Kauai

Tax Map Key(s): (4) 4-9-011:023

Specific Information Desired:

Please email copies of my "Registration of Well & Declaration of Water Use" documents for the two wells we registered in May of 1989. The well numbers (which were newly assigned in December '07) are #1220-04 and #1220-05.

Email to: marsha@equilooha.com.

Thank you.

6/14/08

For Official Use Only:

Information provided:

Staff providing information:

Date provided:

Total Copy Charges: (See attached, "Record of Copied Materials" form.) \$



State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
WELL COMPLETION REPORT - PART II
Pump Installation

For Official Use Only:

RECEIVED

08 JUL 2 A 8:24

COMMISSION ON WATER
RESOURCE MANAGEMENT

Instructions: Please print in ink or type and send completed report (with attachments, if applicable) to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. The Commission may not accept incomplete reports. This form shall be submitted within 60 days of the completion of work. For assistance, please consult the Hawaii Well Construction and Pump Installation Standards or call the Regulation Branch at 587-0225. For updates to this form or additional information, please visit our website at <http://www.hawaii.gov/dlnr/cwrm/>

1. State Well No.: 1220-05 Well Name: #2 Moloaa-Hanwright AC Island: Kauai

2. Address: 11 Larsen's Beach Tax Map Key: TMK 4-9-011:023

3. Pump Installation Company: Self

4. Date Pump Installed: 1994
month/day/year

5. PERMANENT PUMP INFORMATION

Pump Type, Make, Serial No.: Submersible Grundfos 10S15-21

Rated Capacity: 14 gpm at head of: 100 ft.

Motor Type, H.P., Voltage, rpm: Phase 1 1.5 HP, 230V

Pump type (check one):

☐ Deep Well Turbine

☐ Rotary

☐ Propeller

☒ Submersible

☐ Rotary-Displacement

☐ Reciprocating

☐ Centrifugal

☐ Rotary-Gear

☐ Impulse

6. Method of flow measurement:

☐ Flowmeter w/ totalizer Manufacturer _____ Model no. _____ Size _____

☒ Other, explain and attach schematic Gallons drained from tanks daily.

7. Fill in the as-built section on the other side of this sheet.

8. Attach the rating curve for the installed pump.

9. Attach photograph of well clearly showing the benchmark on the concrete pad, the well head, and the method of flow measurement.

10. Well Owner Company Patricia Hanwright Contact Marsha Mayer

Address PO Box 700, Anahola, HI 96703

Phone 808-651-1977 Email marsha@equilooha.com

11. Land Owner Company Same as above. Contact Same as above

Address _____

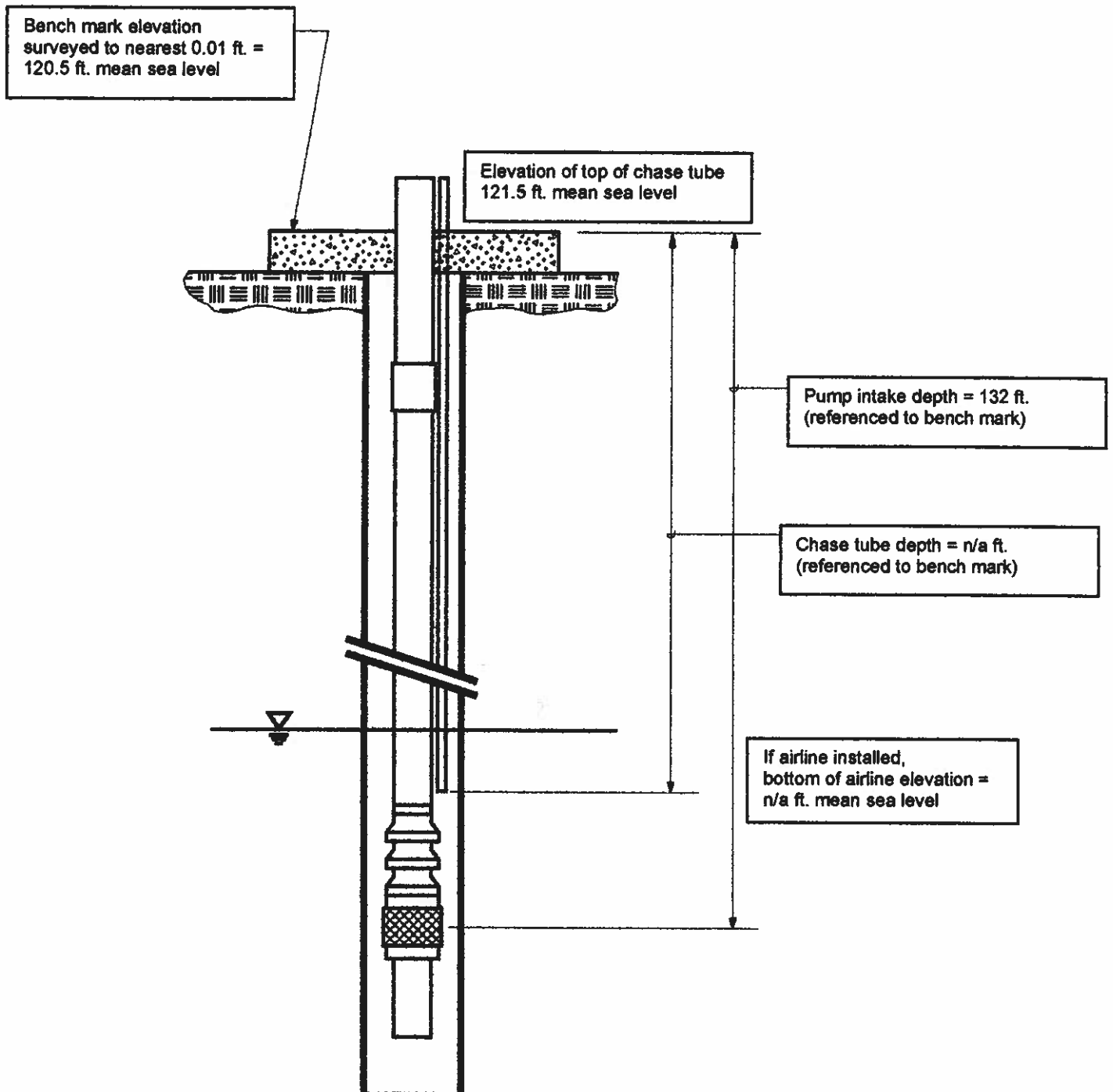
Phone _____ Fax _____

12. Remarks _____

Pump Installation Contractor (print) _____ C-57/C-57a/A Lic. No. _____

Signature _____ Date _____

7. AS-BUILT PUMP SECTION (Please attach as-built if different from diagram provided below)



RECEIVED

08 SEP 30 09:13

COMMISSION ON WATER
RESOURCE MANAGEMENT

September 29, 2008

Ken C. Kawahara, P.E. - Deputy Director
State of Hawaii - DLNR
Commission of Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Re: Your 8/27/08 After-the-fact Pump Installation Information Request
Well No. 1220-05, TMK: (4) 4-9-011:023

Dear Mr. Kawahara:

I am in receipt of your letter dated 8/27/08 stating that Well 1220-05, TMK (4) 4-9-011:023, is not in compliance with the state water regulations.

I have contacted Barry Simmons of Oasis Well Drilling & Pump Installations to inspect and evaluate the well. He will complete whatever applications and work necessary to comply with state water regulations.

Sincerely,


Patricia Hanwright



RECEIVED

08 NOV 24 A 9:01

September 30, 2008

COMMISSION ON WATER
RESOURCE MANAGEMENT

To: Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

From: Oasis Water Systems, Inc.
P.O. Box 507
Hanalei, HI 96714

Subject: After the fact pump permit application

Aloha –

Enclosed please find the "after the fact" pump installation permit application for the Moloaa-Hanwright #2 (AC) well, state no. 1220-05. This application was requested by you in an August 27, 2008 letter to Mrs. Patricia Hanwright. Please contact us with any questions or concerns.

Mahalo,

Betsy Lis

Oasis Water Systems, Inc.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
APPLICATION FOR A WELL CONSTRUCTION /
PUMP INSTALLATION PERMIT

or Official Use Only:

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by 10 copies and a non-refundable filing fee of \$25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225. For further information and updates to this application form, visit <http://www.hawaii.gov/dlnr/cwrm>.

RECEIVED

NOV 24 29:01

WELL LOCATION INFORMATION

1. STATE WELL NO. (if already assigned) 1220-05	2. WELL NAME Moloka Hanwright #2(ac)	3. ISLAND Kauai	4. TMK 4-9-011-023
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The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) with well location labeled and include the name of the quad map
- Property tax map, showing well location referenced to established property boundaries
- Photograph of the proposed well site
- A schematic diagram showing the well site, access road and proposed well infrastructure
- For dug wells, attach a grading plan with cross section profiles showing existing and finish grades

5. WELL OPERATOR'S NAME/COMPANY Patricia Hanwright	Well Operator's Contact Marsha Meyer	6. LANDOWNER'S NAME/COMPANY Patricia Hanwright	Landowner's Contact Marsha Meyer
Well Operator's Mailing Address P.O. Box 700 Anahola, HI 96703	Landowner's Mailing Address P.O. Box 700 Anahola, HI 96703	Well Operator's Phone 808-651-1977	Landowner's Phone 808-651-1977
Well Operator's Fax	Well Operator's E-mail marsha@equiletha.com	Landowner's Fax	Landowner's E-mail

PROPOSED WELL CONSTRUCTION

7. Proposed Work <input type="checkbox"/> Construct New Well <input type="checkbox"/> Modify Existing Well <input type="checkbox"/> Abandon/Seal Well	8. Construction Type <input type="checkbox"/> Drilled <input type="checkbox"/> Dug <input type="checkbox"/> Shaft <input type="checkbox"/> Tunnel
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PROPOSED PUMP INSTALLATION

10. Proposed Work <input type="checkbox"/> Install New Pump <input type="checkbox"/> Replace Pump	11. Proposed Pumping Rate, gpm (gallons per minute) 14 gpm	13. Method of flow measurement <input checked="" type="checkbox"/> Flowmeter <input type="checkbox"/> Other (explain)
	12. Proposed Amount of Withdrawal, gpd (gallons per day) 20,000	

9. Is this well part of a battery of wells? ☐ Yes ☐ No

14. Proposed Surveyor name and license number (a surveyor is required for all Well Construction Permits and may be required for some Pump Installation Permits)
Deferred Less than 50 GPM

PROPOSED USE

☐ 15. Municipal (water systems serving greater than 25 individuals or 15 service connections)

☒ 16. Domestic Number of units to be served: **1**

☐ 17. Industrial (describe)

☐ 18. Irrigation (describe crop and no. of acres)

☐ 19. Military (describe)

☐ 20. Other (describe)

OTHER LEGAL REQUIREMENTS

If required, items 21. and 22. must be obtained before the Commission can legally issue a permit:

21. Conservation District Use Permit (CDUP)
☐ Well is in Conservation District
☐ Required, CDUP # _____ date approved _____
☒ Not Required (attach documentation from OCCL)
I have not checked with OCCL about whether or not a CDUP is required. I understand that checking with OCCL prior to making this application will expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

☐ Well is not in Conservation District
I have not checked if well is in or out of Conservation District. I understand that checking if the well is in a Conservation District may expedite my review. I further understand that issues raised may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

22. Special Management Area Permit (SMAP)
☐ Required, SMA # _____ date approved _____
☐ Not Required (attach documentation from applicable County agency)
I have not checked with the county about whether or not an SMA Permit is required. I understand that checking with the County prior to making this application may expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued.

23. State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources
☐ I have consulted with the HPD regarding potential impacts of well construction activities on historic sites. I have attached applicable documentation from the HPD.
☒ I have not consulted with the HPD regarding potential impacts of well construction activities on historic sites. I understand that checking with the HPD prior to making this application may expedite my review. I further understand that issues raised by this agency may delay or result in denial of the permit issuance, or revocation of the permit after it is issued. Additionally, the history of past land use is attached.

Additional remarks, explanations, etc. (attach additional sheet if more space is needed)

*** see cover letter**

NOTE: Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that upon permit approval: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/abandonment report within 60 days after the completion date of the permitted work; 3) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, and any work done while the permit is in suspension may result in fines of up to \$5000/day.

24. WELL DRILLER (Must be filled out if application is for Well Construction)

Licensee business name _____ C-57 License No. _____

Signature _____ Print _____ Date _____

25. PUMP INSTALLER (Must be filled out if application is for Pump Installation)

Oasis Water Systems, Inc. 21457
Licensee business name _____ C-57IC-57a/A License No. _____

Barry Simons
Signature _____ Print _____ Date **9/30/08**

Well was completed in 1989 - some info unknown

PROPOSED WELL SECTION (Please attach schematic if different from diagram provided below)

Hole Diameter: _____ in.

Elevation at top of casing _____ ft., msl*

Minimum of 2' Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft.)

Ground Elevation: 120 ft., msl*

Cement Grout: _____ ft. (min. 70% of distance from ground elevation to top of water surface or 500 ft., whichever is less.)

Grouting method:
☐ Positive displacement
☐ Other

Annular space between hole and casing (1.5" for positive displacement, 3" for other methods): _____ in.

Rock or Gravel Packing:
 Material: _____ ft.
☐ Crushed Basalt
☐ Rounded Gravel

Estimated Water Level Elevation: 55 ft., msl*

Total Depth 137 ft.

Solid Casing: (≥ 80% x (Ground Elev.-Water Level Elev))
 Total Length: 75 ft.
 Nominal Diameter: 5 in.
 Wall Thickness: _____ in.
 Bottom Elevation: 45 ft., msl*

Open Casing: ☒ Perforated ☐ Screen
 Total Length: 62 ft.
 Nominal Diameter: 5 in.
 Wall Thickness: _____ in.
 Bottom Elevation: -17 ft., msl*
 note: Neither bentonite nor mud should be used in saturated zone during drilling

Open Hole:
 Length: _____ ft.
 Diameter: _____ in.
 Bottom Elevation: _____ ft., msl*

* The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-salt water Basal Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or,

$$\text{Bottom Elevation of Well Limit} = \left(\text{Water Elevation} - \frac{41 \times \text{Water Level Elevation}}{4} \right)$$

Example: Estimated + 2 ft. Water Level Elev. → Bottom Elevation of Well Limit = $\left(2 - \frac{41 \times (2)}{4} \right) = -18.5 \text{ ft.}$

Solid Casing Material:

Carbon Steel: compliant with (check one or more): ☐ ANSI/AWWA C200 ☐ API Spec. 5L ☐ ASTM A53 ☐ ASTM A139

And compliant with (check one or more): ☐ ASTM A242 (or A606) ☐ Type E ☐ Type S ☐ Grade B ☐ Other

Stainless Steel: (check one): ☐ ASTM A409 (production wells) ☐ ASTM A312 (monitor wells)

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) ☐ Schedule 40 ☐ Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): ☐ Schedule 40 ☐ Schedule 80 ☐ Schedule 120

Thermoset Plastic: (check one)

- ☐ Filament Wound Resin Pipe conforming to ASTM D2996
- ☐ Centrifugally Cast Resin Pipe conforming to ASTM D2997
- ☐ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- ☐ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- ☐ PTFE Fluorocarbon Tubing conforming to ASTM D3296
- ☐ FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:

Carbon Steel: compliant with (check one or more): ☐ ANSI/AWWA C200 ☐ API Spec. 5L ☐ ASTM A53 ☐ ASTM A139

And compliant with (check one or more): ☐ ASTM A242 (or A606) ☐ Type E ☐ Type S ☐ Grade B ☐ Other

Stainless Steel: (check one): ☐ ASTM A409 (production wells) ☐ ASTM A312 (monitor wells)

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

ADMINISTRATIVE AND CIVIL PENALTY GUIDELINE (G01-01)
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

I. GOALS

This penalty guideline seeks to provide a logical and consistent means to assess penalties and guide the settlement of Commission on Water Resource Management (Commission) enforcement cases. The Commission and staff should use this system to:

- A. Deter violations;
- B. Remove the economic benefit of violations;
- C. Provide fair treatment of the regulated community; and
- D. Offer the violator a chance to undertake a beneficial alternative, under proper conditions, in a partial or total replacement of a cash penalty.

II. LEGAL AUTHORITY

Hawaii Revised Statutes (HRS) § 174C-15 provides for fines of up to \$1,000 for any violation of any provision of HRS § 174C. For a continuing offense, each day during which the offense is committed is a separate violation.

Administrative Rule § 13-167-10 provides for fines of up to \$1,000 for any violation of any provision of Title 13, any permit condition or limitation established pursuant to Title 13, or for negligent or willful failure to comply with any final order of the Commission. For a continuing offense, each day during which the offense is committed is a separate violation.

III. APPLICABILITY

- A. This guideline applies to the Commission programs, which include but are not limited to:
 - 1. Measuring and reporting of water data;
 - 2. Well Construction and Pump Installation Permits;
 - 3. Stream Diversion Works Permits;
 - 4. Stream Channel Alteration Permits;

5. Instream Use Protection Program;
6. Instream Flow Standards;
7. Water Use Permits;
8. Violations of any permit issued by the Commission;
9. Violations for failure to comply with final orders issued by the Commission; and
10. Violations of Hawaii Administrative Rules Title 13.

- B. This guideline is only for use by Commission personnel. The guideline is not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party in litigation with the Commission on Water Resource Management, Department of Land and Natural Resources or the State of Hawaii. The Commission's staff reserves the right to act at variance with this guideline and to change it at any time without notice. The Commission's staff expects to change this guideline as it gains experience with the guideline's implementation.

IV. PENALTY CALCULATION METHOD

- A. The Commission's staff shall calculate an initial minimum penalty figure for daily fines for settlement purposes based on the following:

1. Finding of violation = \$250 per day/incident
2. Occurring in Water Management Area = \$250 per day/incident
3. Repeat Violation = \$250 per day/incident

(A repeat violation is deemed to occur when the party has previously been found to be a violator by the Commission. A repeat violation is tied to the party involved and is irrespective of the nature of the violation.)

- B. Adjustments to Initial Minimum Penalty Figure in Section A: Mitigative and Gravity Factors.

Reduction or enhancement of any recommended fine will be made based on: (1) the degree of risk or actual harm to water resources or the environment and (2) specific factors listed below. Where the risk or actual harm is slight, reduction of the recommended fine should be considered and where the risk or actual harm is great, enhancement of the recommended fine should be imposed.

1. Mitigation Component

Mitigative factors can be considered in the recommendation of any fine or alternative penalty. Presence of one or more mitigative factors can reduce or eliminate the fine or alternative penalty recommendation. Mitigative factors include but are not limited to: insignificant impact on the resource, attempt to remedy the violation without notice, good faith effort to remedy violation once noticed, self reporting in a timely manner, and diligent and speedy effort to remedy the violation once noticed.

2. Gravity Component

Gravity factors can be considered in the recommendation of any fine or alternative penalty. Presence of one or more gravity factors can enhance the fine or alternative penalty recommendation. Gravity factors include but are not limited to: significant risk of or actual damage or harm to the water resources or the environment, multiple or repeat violations of the code or regulations, evidence that the violator should have known about the violation, refusal to correct the violation once noticed, failure to meet deadlines as set by the Commission or its staff.

C. Calculation of the Number of Days for the Recommended Fine.

1. If one or more of the gravity components are met, a daily fine may be imposed. Those fines shall accrue on the following basis:

1. Violation where no permit is issued and no prior permits have been issued or no permit is required.

The date the violation has occurred.

2. Violation where no permit is issued but prior permits have been issued

The date the violation has occurred.

3. Violation where permit has been issued

Either:

- a. The date the violation has occurred
- b. The date of permit approval
- c. The date permit issued
- d. The date of Commission meeting for conditions or deadlines imposed by the Commission not contained in a permit

4. Tolling. In calculating a recommendation for the imposition of a daily fine, the time may be tolled for upon the filing of a permit application, satisfactory progress in addressing the violation, or for good cause.

5. End. In calculating a recommendation for the imposition of a daily fine, the period of the violation ends upon: (1) satisfactory resolution of the violation, or (2) removal or remedy of the violation.

D. No staff recommendation shall exceed the maximum amount allowable in Section 174C-15, HRS.

V. ALTERNATIVE SETTLEMENT

The following considerations will guide the Commission's staff recommendation in deciding whether to allow a project to substitute for or be credited against a cash penalty. However, any finding of a violation by the Commission shall result in a minimum one-time \$500 cash fine in addition to an alternative settlement. Failure to successfully meet the alternative will result in re-institution of the fines as calculated in IV.

1. The project must be something that the violator was not required to do anyway, either because of legal or other obligation. Projects committed to, or started before a settlement is finally agreed upon may be eligible for credit, but such projects must be carefully examined to determine the extent to which they resulted from the enforcement case or were due to other factors, or prior plans or commitments. In some cases, partial credit may be appropriate.
2. The project must result in new water resources (including aquatic biota) information, provide water resources education, or benefit the water resources of the state.
3. The project may consist of corrective action to be completed within a timeframe established by the Commission. Failure to abide by the timeframe will result in re-institution of the fines as calculated in IV.

VI. FUTURE APPLICATIONS

Future applications from an applicant who has not paid fines or met alternative settlements or for a project with outstanding violations may be considered incomplete until sanctions are fulfilled and/or violations are corrected.

LINNEL T. NISHIOKA
Deputy Director

FOR STAFF USE ONLY

Penalty Policy Directives from Commissioners (4/18/01 CWRM Meeting)

Where noted in policy, “violation where no permit is issued” Commissioner Anderson suggested an informal notice of violation be sent.

Standard conditions to be added to submittals with penalty recommendations:

1. Impose a fine of \$X on the driller/permittee, as summarized in Exhibit Y, payable within 30 days.
2. Suspend any current, pending or future applications by the applicant until the fines are paid and the applicant completes the permit process for this well/diversion.

STANDARD PUMP INSTALLATION PERMIT CONDITIONS

Hanwright #2 Well (Well No. 1220-05)

Note: This permit shall be prominently displayed at the site until the work is completed

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the pump installation for the **Moloaa-Hanwright #2 Well (Well No. 1220-05)** at TMK (4) 4-9-011:023, Kauai, subject to the *Hawaii Well Construction & Pump Installation Standards (February 2004)* ("HWCPIS 2004"), which include but are not limited to the following conditions:

1. The Chairperson to the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work covered by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules (HAR).
2. No withdrawal of water shall be made other than for testing until a certificate of pump installation completion has been issued by the Commission.
3. This permit shall be prominently displayed, or made available, at the site of construction work until work is completed.
4. The pump installation permit shall be for installation of a 14-gpm-rated capacity pump or a lower capacity pump in the permitted well. This permanent pump capacity may be reduced by the Commission in the event that any pump test data do not support the installed capacity.
5. A water-level-measurement access shall be permanently installed, in a manner acceptable to the Chairperson, to allow for accurate measurement and recording of water levels in the well.
6. The permittee shall install an approved flow meter or other appropriate means for measuring and reporting withdrawals and appropriate devices or means for measuring chloride concentrations and temperature at the well head.
7. Well Completion Report Part II shall be submitted to the Chairperson within sixty (60) days after completion of work. (Please contact staff or visit www.hawaii.gov/dlnr/cwrw/resources_permits.htm to obtain the current report form.)
8. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances. Noncompliance may be grounds for revocation of this permit.
9. The pump installation permit application and, if relevant, any related staff submittal approved by the Commission are incorporated into this permit by reference.
10. If the HWCPIS is not followed and as a consequence water is wasted or contaminated, a lien on the property may result.
11. Any variances from the HWCPIS shall be approved by the Chairperson prior to invoking the variance.
12. The work proposed in the pump installation permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than the date the permit expires.
13. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.
14. Special conditions in the attached cover transmittal letter are incorporated herein by reference.